



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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DA 07-4608

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FCC ANNOUNCES IT IS PREPARED TO GRANT LPTV CONSTRUCTION PERMITS AFTER FINAL PAYMENTS ARE MADE

Balance of Winning Bids Due by December 3, 2007

Auction No. 81

By this Public Notice, the Media Bureau, under delegated authority, announces that it is prepared to grant the construction permit applications listed in **Attachment A** of this Public Notice following the full and timely payment of the remaining balance of the applicants' winning bids. Therefore, in accordance with the procedures adopted in the *Broadcast First Report and Order*,¹ a lump sum final payment from the Auction No. 81 winning bidders listed in Attachment A must be received by the Commission within **ten business days** of the date of this Public Notice (*i.e.*, by December 3, 2007).²

Note that the Commission's Part 1 competitive bidding rules provide for an additional ten business day grace period for applicants who fail to meet the initial ten business day payment deadline.³ Section 1.2109(a) of the Commission's Rules provides that if a winning bidder fails to pay the balance of its winning bid in a lump sum by the applicable deadline specified by the Commission, it may make a late payment within ten business days after the payment deadline (*i.e.* by December 17, 2007), provided that it also pays a late fee equal to five percent of the amount due.⁴ If any of the winning bidders listed in Attachment A fails to pay the balance of its winning bid by the late payment deadline of December 17, 2007, it will be considered in default and subject

¹ *Implementation of 309(j) of the Communications Act – Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Services, First Report and Order* in MM Docket No. 97-234, GC Docket No. 92-52 and GEN Docket No. 90-264, 13 FCC Rcd 15920 (1998) (“*Broadcast First Report and Order*”).

² See 47 C.F.R. § 73.5003(c); 1.2109(a).

³ See Amendment of Part 1 of the Commission's Rules -- Competitive Bidding Procedures, WT Docket No. 97-82, *Third Report and Order and Second Further Notice of Proposed Rule Making*, 13 FCC Rcd 374 (1997) (amending the Commission's Part 1 competitive bidding rules); see also 47 C.F.R. § 1.2109(a) (as amended).

⁴ See 47 C.F.R. § 1.2109(a).

to the applicable default payment and procedural provisions specified in the Commission rules.⁵ The applicant will be assessed a default payment as proscribed by Commission rules.⁶

By public notice, the Media Bureau will announce the grant of the construction permits if the Commission has received the timely final payments of the winning bid amounts. Facility authorizations will be issued shortly thereafter. The previously filed long form applications of the unsuccessful competing bidders in Auction No. 81 will be dismissed following grant of the winning bidders' construction permits.

PAYMENT INSTRUCTIONS

All payments must be made in U.S. currency in the form of a wire transfer.⁷ No personal checks, cashier's checks or other forms of payment will be accepted.

Wire transfer payments must be received by Mellon Bank before **6:00 p.m. Eastern Time, on December 3, 2007 (or before 6:00 p.m. Eastern Time, December 17, 2007, along with the five percent late fee)**. Applicants are responsible for insuring submission of the correct payment amount, timely filing of an accurate and complete FCC Form 159, and obtaining confirmation from their financial institution that Mellon Bank has timely received their payment and deposited it into the proper account. The Bureau reminds applicants that to avoid untimely final payments they should discuss arrangements (including transfer times and bank closing schedules) with their financial institution several days before making the wire transfer. Applicants must allow sufficient time for the wire transfer to be initiated and completed prior to the final payment deadline.

To submit funds by wire, applicants will need the following information to properly effect the transmittal:

ABA ROUTING NUMBER: 043000261
RECEIVING BANK: Mellon Pittsburgh
500 Ross Street
Pittsburgh, PA 15262
BNF: FCC Account Number 911-6106
OBI Field: (Skip one space between each information item) "AUCTIONPAY"
APPLICANT'S FRN NO.: (same as FCC Form 159, Block 21)
PAYMENT TYPE CODE: (enter "A81D")
PAYOR NAME: (same as FCC Form 159, Block 2)
LOCKBOX NO.: 358850

⁵ See e.g. 47 C.F.R. §§ 1.2104(g), 1.2107(b), 1.2109, 73.5003(c); see also *Broadcast First Report and Order*, 13 FCC Rcd at 15960 ¶ 160; Wireless Telecommunications Bureau Will Strictly Enforce Default Payment Rules, *Public Notice*, 11 FCC Rcd 10853 (WTB 1996).

⁶ See generally 47 C.F.R. §§ 1.2104 (g)(2), 1.2109(a), 73.5004.

⁷ See 47 C.F.R. § 1.2107(b).

Payments must be accompanied by a completed FCC Remittance Advice Form (FCC Form 159). **A partially completed FCC Form 159 will be sent to the applicant.** On the same business day that the applicant pays the balance due to Mellon Bank, the applicant must submit a completed FCC Form 159 via facsimile at (412) 209-6045, but at least one hour prior to placing the order for the wire transfer. On the FCC Form 159, applicants must use the same FCC Registration Number (FRN) used on their short-form application (FCC Form 175).

For questions regarding the calculation and submission of final payment, the FCC Form 159 and refunds, contact Gail Glasser, Office of the Managing Director, Financial Operations Center, Auctions Accounting Group, at (202) 418-0578.

For questions regarding legal matters and licensing issues, contact Shaun Maher, Media Bureau, Video Division at (202) 418-2324.

This Public Notice contains the following attachment:

Attachment A: Auction No. 81 Applications Ready for Grant

-FCC-

ATTACHMENT A

GROUP	PREFIX	ARN	APPLICANT	CITY	ST	FAC ID
MX 122	BNPTVL	20000828BEM	JOHN POWLEY RAMAR	SAN BERNARDINO	CA	130060
MX 245	BNPTT	20000830BPF	COMMUNICATIONS II, LTD.	FARMINGTON	NM	130644